

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DENISE ANNE CROOKER,	:	CIVIL NO: 3:20-cv-01695
	:	
Plaintiff,	:	(Judge Jones)
	:	
v.	:	(Magistrate Judge Schwab)
	:	
GEORGE J. TESSITORE, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

January 11, 2022

We are in receipt of Plaintiff’s motion to file a sur-reply brief, *doc. 107*, and it is **DENIED** without prejudice. The court has discretion in deciding whether a sur-reply brief will be permitted. *Mallory v. Wells Fargo Bank, N.A.*, No. 3:19-CV-744, 2021 WL 5826211, at *2 (M.D. Pa. July 20, 2021). And “[c]ourts within this Circuit have found that ‘[s]ur-reply briefs are seldom necessary,’ and that ‘[t]hey are appropriate only where a party “seek[s] to respond to an argument raised for the first time” by an opposing party.’” *Id.* (quoting *Gentry v. Sikrosky Aircraft Corp.*, No. 18-1326, 2018 WL 6329147, at *2 (E.D. Pa. Dec. 4, 2018)). “Other courts have ‘granted leave to file a sur-reply brief when the brief was helpful in resolving the issues presented in the case.’” *Id.* (quoting *Souffrant v. Hyrowich*, No. 07-cv-4475, 2009 WL 10737145, at *2 n.2 (E.D. Pa. May 4, 2009)).

Here, Defendants have just today filed their reply brief. *Doc. 108*. In order for the court to consider Plaintiff's motion to file a sur-reply brief, **IT IS ORDERED** that, on or before **January 22, 2022**, she shall file a one-page letter on the docket outlining clearly and specifically on what issues any reply brief would be based in keeping with Third Circuit case law.

S/Susan E. Schwab

Susan E. Schwab

United States Magistrate Judge